

ELECTRONIC FILING

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/565,459	Confirmation No.	9805
Applicant	: Daniel Irisarri Navalpotro		
Filed	: January 20, 2006		
Title	: NEW AGRICULTURAL USE		
	: PRODUCT OBTAINED FROM		
	: VINASSES AND SLUDGE OF		
	: DISTILLERIES		
Art Unit	: 1616		
Examiner	: BROWN, COURTNEY A.		
Docket No.:	: HERRA6-73046		
Customer No.	: 24201		

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action of February 26, 2008, the applicant provisionally elects the Group I claims with traverse.

The applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

Under PCT Rule 13.2, restriction is proper only where the various groups of claims lack the same or corresponding special technical features. This is not the case here.

The special technical feature shared by the three groups of claims at issue here (namely, the product for agricultural application in the form of granules and pellets comprising at least 4% (w/w) of vinasses and/or sludge measured as a dry extract of vinasses and/or sludge and an organic or inorganic solid support) is novel over US Patent Application Publication No. 2003/0022790 (Hero).

Hero teaches a seed coating for improving the efficiency of plant nutrients that comprises: (a) an aqueous fixing agent and optionally an emulsified oil; and (b) a fertilizer powder. The aqueous fixing agent can be a fluid by-product of agriculture or fermentation which can form a fixing layer on the seed surfaces previously to the addition of the fertilizer powder in order to form a fertilizer layer around the seeds (see paragraphs [0034] to [0037] and [0041]). The said fluid by-product of agriculture or fermentation can be, for example, molasses, vinasses, syrup or a mixture thereof (paragraph [0026]).

In contrast, the product for agricultural application defined in the present claims differs from the product of Hero in that it is in the form of granules or pellets made of vinasses and/or sludge and a solid support and not in the form of a seed coated with two layers: the inner layer made of a fluid fixing agent and the outer layer made of a fertilizer powder fixed on it. Also, unlike Hero, the product of the present invention is directly applied to the soil of an agricultural extension to be treated, independent of the application of any seeds to this soil.

The object of the present invention is to solve the problem of the large volumes of vinasses and sludge produced in the industrial production of bioethanol by reusing said refuses as a granulated/pelletized fertilizer. In contrast, the object of Hero is to solve the problem of fixing a fertilizer to the surface of seeds by using as a new fixing agent a fluid by-product of agriculture or fermentation such as vinasses, among many others.

In view of the foregoing, reconsideration and withdrawal of the restriction requirement is requested.

Date: March 26, 2008

Respectfully submitted,

FULWIDER PATTON LLP

By: /Craig B. Bailey/
Craig B. Bailey
Registration No. 28,786

CBB:kg

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
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